

IN THE UNITED STATES DISTRICT COURT **RECEIVED**  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2007 DEC 14 P 2:31

<b>JERRY LEON DEES, JR.,</b>	)	DEBRA P. HACKETT, CLK
	)	U.S. DISTRICT COURT
<b>Plaintiff,</b>	)	MIDDLE DISTRICT ALA
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO.:</b>
	)	<b>2:07-cv-00306-MHT-CSC</b>
	)	
<b>HYUNDAI MOTOR MANU-</b>	)	
<b>FACTURING ALABAMA, LLC,</b>	)	
<b>and HYUNDAI MOTOR</b>	)	
<b>AMERICA, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' MOTION TO SEAL**

COME NOW Defendants Hyundai Motor Manufacturing Alabama, LLC (“HMMA”), and Hyundai Motor America, Inc. (“HMA”) (collectively referred to as “Defendants”), and move this Court for an order permitting them to file under seal portions of their Evidentiary Submission in support of their Motion for Summary Judgment. As grounds for this motion, Defendants state as follows:

1. Under the Court’s current Scheduling Order, dispositive motions are to be filed on or before December 14, 2007.
2. This action involves allegations and claims by Plaintiff, Jerry Leon Dees (“Plaintiff”) against HMMA and HMA concerning alleged violations of USERRA and claims of outrage and conversion that allegedly occurred during Dees’ employment at the HMMA manufacturing plant in Montgomery, Alabama.
3. Many of Dees’ allegations, the underlying investigation of his allegations, and the discovery conducted during this case contain: (1) identifying information of individuals that are not parties to this lawsuit including information of employees of

HMMA; (2) sensitive and confidential identifying information about Dees; and (3) confidential proprietary and trade secret information.

4. On August 23, 2007, this Court entered a Protective Order governing information “ordinarily regarded as confidential and/or proprietary by defendant.” (Court Doc. No. 27). The Protective Order provides, in part, that

confidential information and documents subject to this Protective order should not be filed with the Clerk of the Court except when required in connection with motions under the Federal Rules of Civil Procedure or other matters pending before the Court. Any such protected documents filed with the Court shall be filed in “sealed envelopes”...  
(Doc. 27 at ¶5)

5. Defendants propose to file the following documents that were produced through the course of discovery as Confidential pursuant to the Protective Order under seal as each contains sensitive, private and confidential information about individuals not parties to this lawsuit:

- a. James Allen Brook’s personnel file maintained by HMMA attached as Plaintiff’s Exhibit 14 to the deposition transcript of James Allen Brookshire.
- b. John Applegate’s personnel file maintained by HMMA attached as Plaintiff’s Exhibit 17 to John Applegate’s deposition transcript.
- c. Greg Prater’s personnel file maintained by HMMA attached as Plaintiff’s Exhibit 18 to John Applegate’s deposition transcript.
- d. Greg Prater’s Team Relations file maintained by HMMA attached as Plaintiff’s Exhibit 19 to John Applegate’s deposition transcript.
- e. Supplementation to Greg Prater’s personnel file maintained by HMMA attached as Plaintiff’s Exhibit 20 to John Applegate’s deposition transcript.

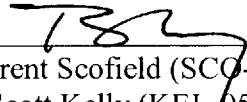
6. Contemporaneously to filing this Motion, Defendants have e-filed their

Submission of Evidence noting that the documents described in paragraph 5 above have been filed under seal.

7. A proposed order is attached hereto as Exhibit A.

WHEREFORE PREMISES CONSIDERED, Defendants respectfully request that this Court grant their motion to file portions of their Evidentiary Submission to their Motion for Summary Judgment under seal.

Respectfully submitted this 14th day of December, 2007.

/s/   
J. Trent Scofield (SCO-024)  
T. Scott Kelly (KEL-053)  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
One Federal Place, Suite 1000  
1819 Fifth Avenue North  
Birmingham, AL 35203-2118  
Tel.: (205) 328-1900  
Fax: (205) 328-6000  
E-mail: trent.scofield@odnss.com  
E-mail: scott.kelly@odnss.com

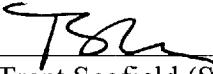
Matthew K. Johnson  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
P.O. Box 2757  
Greenville, SC 29602  
Tel.: (864) 271-1300  
Fax: (864) 235-8806  
E-mail: matthew.johnson@odnss.com  
**Pro Hac Vice Granted 05/15/07**

Attorneys for Defendants Hyundai Motor Manufacturing Alabama, LLC and Hyundai Motor America, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2007, I served a copy of the foregoing via electronic and via U.S. Mail, postage prepaid, and addressed as follows:

Jeffrey R. Sport, Esq.  
Vincent F. Kilborn, Esq.  
David Allen McDonald, Esq.  
W. Perry Hall, Esq.  
Kilborn, Roebuck & McDonald  
1810 Old Government Street  
Mobile, AL 36660

/s/   
J. Trent Scofield (SCO-024)  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
One Federal Place, Suite 1000  
1819 Fifth Avenue North  
Birmingham, AL 35203-2118  
Tel.: (205) 328-1900  
E-mail: trent.scofield@odnss.com

5389448.1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>JERRY LEON DEES, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CIVIL ACTION NO.:</b>
<b>v.</b>	)	<b>2:07-cv-00306-MHT-CSC</b>
	)	
<b>HYUNDAI MOTOR MANU-</b>	)	
<b>FACTURING ALABAMA, LLC,</b>	)	
<b>and HYUNDAI MOTOR</b>	)	
<b>AMERICA, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

The Motion to Seal filed on December 14, 2007 by Defendants Hyundai Motor Manufacturing Alabama, LLC, and Hyundai Motor America, Inc. is hereby granted. The Clerk of Court is directed to file the following documents which were produced as Confidential pursuant to the Protective Order (Court Doc. No. 27) under seal:

- a. James Allen Brookshire's personnel file maintained by HMMA attached as Plaintiff's Exhibit 14 to the deposition transcript of James Allen Brookshire.
- b. John Applegate's personnel file maintained by HMMA attached as Plaintiff's Exhibit 17 to John Applegate's deposition transcript.
- c. Greg Prater's personnel file maintained by HMMA attached as Plaintiff's Exhibit 18 to John Applegate's deposition transcript –.
- d. Greg Prater's Team Relations file maintained by HMMA attached as Plaintiff's Exhibit 19 to John Applegate's deposition transcript.
- e. Supplementation to Greg Prater's personnel file maintained by HMMA attached as Plaintiff's Exhibit 20 to John Applegate's deposition transcript.

---

United States District Court Judge